

REMARKS**Summary of the Office Action**

In the Office Action, claims 1, 27-30 stand rejected under 35 U.S.C. §102(b) as anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over *Okada* (WO 97/35629).

Summary of the Response to the Office Action

Applicants respectfully submit that the features of the present invention are not taught or suggested by the references of record. Accordingly, claims 1 and 27-30 are pending for further consideration.

All Claims are Allowable

Claims 1 and 27-30 stand rejected under 35 U.S.C. § 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over *Okada*. This rejection is respectfully traversed in view of the following comments.

According to the present invention, the catheter uses no sheath, no sheath-type catheter, and no sheath-type dilator, which makes it possible to use a larger catheter (8F size, 2.67 mm dia.) as claimed in the present invention. With a (8F) catheter structure, it is possible to use a Rotablator (1.5 mm burr dia.) which is not possible with the smaller 6F-sized catheter. The present invention also overcomes the difficulties in which two or more catheters can be simultaneously inserted, and at the same time, solves the difficulties arising from dealing with the DCA treatment.

The present invention (8F) catheter makes it possible to alleviate the pain afflicting the patient and makes it possible to cure the patient in a shorter period of time. The present

invention's (8F) catheter also contributes to reducing the medical cost and the medical waste because no sheath is utilized and valuable time is saved inserting and removing catheters.

In brief, one of the great benefits of the present invention is that with the elimination of the sheath, a larger catheter may be inserted into a human organ, thus enabling the manipulator to insert an 8F-sized catheter into a patient's radial artery so as to fully treat the diseased area, while at the same time, considerably mitigating the pain a patient suffers. In comparison, *Okada* fails to achieve any of the effects above-described. Thus, the present invention is structurally different from the reference *Okada*.

As pointed out in MPEP § 2131, "[t]o anticipate a claim, the reference must teach every element of the claim." "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference."

Verdegaal Bros. v. Union Oil Co. Of California, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987).

Further, MPEP § 2143.03 states, "[t]o establish prima facie obviousness of a claimed invention, all the claimed limitations must be taught or suggested by the prior art". *In re Royka*, 409 F.2d 981, 180 USPQ 580 (CCPA 1974).

In view of the above arguments, Applicants respectfully request that the rejection of independent claim 1 under 35 U.S.C. §§ 102(b) and 103(a) be withdrawn. Additionally, claims 27-30, which depend from independent claim 1, are allowable at least because their base claims are allowable, as well as for the additional features recited therein.

CONCLUSION

In view of the foregoing, Applicants respectfully request reconsideration and the timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of the response, the Examiner is invited to contact the Applicants' undersigned representative to expedite prosecution.

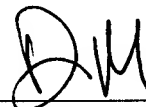
If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. §1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Date: November 12, 2004

By: _____



David B. Hardy
Reg. No. 47,362

Customer No. 009629
MORGAN, LEWIS & BOCKIUS LLP
1111 Pennsylvania Avenue, NW
Washington, D.C. 20004
Tel.: (202) 739-3000